

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

CHRISTOPHER ANDREW RADER,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:21-CV-8
(GROH)**

KILOLO KIJAKAZI,¹

Acting Commissioner of Social Security,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is a Report and Recommendation (“R&R”) issued by United States Magistrate Judge Robert W. Trumble. ECF No. 53. Pursuant to the Local Rules, this civil action was referred to Judge Trumble for submission of a proposed R&R. Judge Trumble issued an R&R on June 29, 2022, recommending that the Plaintiff’s Motion for Summary Judgment [ECF No. 45] be **DENIED**, the Defendant’s Motion for Summary Judgment [ECF No. 50] be **GRANTED**, the decision of the Commissioner be **AFFIRMED** and this case be **DISMISSED WITH PREJUDICE**.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of

¹ Kilolo Kijakazi is automatically substituted in place of former commissioner Andrew M. Saul pursuant to Fed. R. Civ. P. 25(d).

the Plaintiff's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); see Webb v. Califano, 468 F. Supp. 825, 830-31 (E.D. Cal. 1979); see also Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of the Plaintiff being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(d), 72(b). The Plaintiff accepted service of the R&R on July 5, 2022. ECF No. 54. As of the date of this Order, no objections have been filed. Therefore, after allowing additional time for transit in the mail, the Court finds that the deadline to submit objections to the R&R has passed. Accordingly, this Court will review the R&R for clear error.

In this matter, Judge Trumble found that the Commissioner's decision to deny the Plaintiff's claim for supplemental security income benefits did not contain legal error and was supported by substantial evidence. Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 53] should be, and is hereby, **ORDERED ADOPTED**.

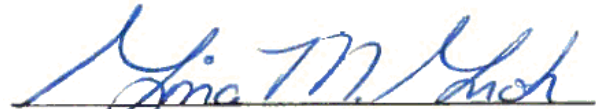
For the reasons more fully stated in the R&R, the Court **FURTHER ORDERS** that the Plaintiff's Motion for Summary Judgment [ECF No. 45] be **DENIED**, the Defendant's Motion for Summary Judgment [ECF No. 50] be **GRANTED**, the decision of the Commissioner be **AFFIRMED** and this case be **DISMISSED WITH PREJUDICE**. Pursuant to Federal Rule of Civil Procedure 58, the Clerk of Court is **DIRECTED** to enter a separate order of judgment in favor of the Defendant.

The Clerk is **FURTHER DIRECTED** to **STRIKE** this case from the Court's active

docket.

The Clerk is **FURTHER DIRECTED** to transmit copies of this Order to all counsel of record herein.

DATED: August 3, 2022


GINA M. GROH
UNITED STATES DISTRICT JUDGE